

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
AMERIWAY CORPORATION,	:	
	:	
Plaintiff,	:	
	:	19-CV-9407 (VSB)
- against -	:	
	:	<u>ORDER</u>
	:	
MAY YAN CHEN and ABILITY CUSTOMS,	:	
INC.,	:	
	:	
Defendants.	:	
	:	
-----	X	
	:	
MAY YAN CHEN, d/b/a/ ABILITY	:	
CUSTOMS BROKERS,	:	
	:	
Third-Party	:	
Plaintiff,	:	
	:	
- against -	:	
	:	
	:	
EAGLE TRADING USA, LLC, XIYAN	:	
ZHANG, and SHIPING JIA,	:	
	:	
Third-Party	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On December 27, 2021, I issued an Opinion and Order dismissing Defendant and Third-Party Plaintiff May Yan Chen’s (“Chen”) Third-Party Complaint. (Doc. 81 (the “December 27 Order”).) On April 9, 2024, I issued an Opinion and Order denying Chen’s motion for reconsideration. (Doc. 193 (the “April 9 Order”).) On May 9, 2024, Chen filed a Notice of Appeal from the December 27 Order and April 9 Order. (Doc. 194.)

The filing of a notice of appeal “confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). The appeal does not concern the following pending motions: Defendants’ motion to disqualify Plaintiff’s counsel Xiyan Zhang and Pete Wolfgram, (Doc. 144); Plaintiff’s motion to disqualify Defendants’ counsel Richard Schrier and William Shayne, and for default judgment, dismissal, and attorneys’ fees for fraud on the court, (Doc. 145); Plaintiff’s second motion for default judgment, dismissal, and attorneys’ fees for fraud on the court, (Doc. 168); and Defendants’ motion for, among other things, a disbursement of funds, (Doc. 183).

Accordingly, if I do not hear from the parties by May 31, 2024, I shall proceed in my review of these motions.

SO ORDERED.

Dated: May 24, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style.

Vernon S. Broderick
United States District Judge